

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JOHN BARNHARDT, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
&)	
)	
UNITED STATES OF AMERICA,)	4:65-cv-01300-HTW-LRA
)	
Plaintiff-Intervenor,)	
)	
v.)	
)	
MERIDIAN MUNICIPAL SEPARATE)	
SCHOOL DISTRICT, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

UNITED STATES' MOTION TO MODIFY
THE PROTECTIVE ORDER ENTERED ON SEPTEMBER 23, 2011

Plaintiff-Intervenor United States moves for the modification of the Agreed Protective Order entered in the United States District Court for the Southern District of Mississippi (Eastern Division) in *Barnhardt, et. al v. Meridian Municipal Separate School District*, Civil Action No. 4:65cv1300-HTW-LRA (formerly 1300(E)). The reasons in support of this Motion are more fully set forth in the attached Memorandum of Law, including:

1. On September 23, 2011, this Court entered an Agreed Protective Order (“Order”) in the above-captioned matter, governing the use of confidential information defined as “student names and other personal identifiers.” Order ¶ 2.

2. The Order, entered in the instant desegregation case being handled by the Civil Rights Division’s Educational Opportunities Section, states that the portions of documents

designated as confidential may be “used solely for purposes of this litigation and for no other purpose.” *Id.*

3. The United States seeks to modify the Order to clarify that its Special Litigation Section, another unit of the Department of Justice’s Civil Rights Division, may use information covered by the Order as it investigates allegations that the Meridian Police Department and the Lauderdale County Youth Court violate the rights of students referred by the Meridian Public School District, the Defendant in this case (the “District”).

4. The District had previously directed the Special Litigation Section to review information produced to the United States in this litigation before submitting any new information request to the District.

5. The District has now informed the United States that it objects to the modification of the Order to conform to its previous directives to the United States regarding SPL’s review of the discovery. The grounds for this motion, which is supported by good cause, are set forth in the accompanying Memorandum in Support.

Dated: June 18, 2012

JOHN M. DOWDY, JR.
United States Attorney

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on this date, June 18, 2012, I served the following counsel of record with a copy of the foregoing Motion to Modify the Protective Order and Memorandum of Law in

Support by electronic mail:

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